

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

TERRENCE A. HARVEY,)	
Plaintiff,)	Civil Action No. 7:16cv00153
)	
v.)	<u>ORDER</u>
)	
GERALDINE BAKER, et al.,)	By: Norman K. Moon
Defendants.)	United States District Judge

Plaintiff Terrence A. Harvey, a Virginia inmate proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983. Defendants filed a motion for summary judgment and on July 15, 2016, the court issued a notice pursuant to *Roseboro v. Garrison*, 528 F.2d 309, 310 (4th Cir. 2005). The notice gave Harvey twenty-one days to file a response to the motion and advised him that if he did not respond, the court would “assume that plaintiff has lost interest in the case, and/or that plaintiff agrees with what the defendant states in their responsive pleading(s).” The court further advised Harvey that if he wished to continue with the case, it was “necessary that plaintiff respond in an appropriate fashion” and that if he failed to file some response within the time allotted, “the court may dismiss the case for failure to prosecute.” Harvey has filed no response.

Inasmuch as the time allotted has passed and Harvey has not responded, it is hereby **ORDERED** that this civil rights action is **DISMISSED without prejudice** for failure to prosecute, defendants’ motion for summary judgment (Docket No. 15) is **DISMISSED without prejudice**, and the Clerk is directed to **TERMINATE** this action from the active docket of the court.

The Clerk is directed to send copies of this order to the parties

ENTER: This 22nd day of August, 2016.



NORMAN K. MOON
UNITED STATES DISTRICT JUDGE